

REMARKS

Claims 1 and 17 have been amended. Claims 1–20 are currently pending in the application. The basis for the above amendments may be found throughout the specification, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the objections and rejection(s) in view of the amendments and remarks contained herein.

I. Allowed Claims

The Examiner indicated allowed Claims 9-16 and 19 in the Office Action Summary. In the Detailed Action, the Examiner indicated the need to overcome the rejection(s) under 35 U.S.C. 112, second paragraph before Claims 9-16 and 18 would be allowable. The applicant's attorney has reviewed the claims but no basis for 35 U.S.C. 112, second paragraph rejection(s) were apparent. As a result, no amendments were made to Claims 9-16 and 19. If the applicant's attorney has misunderstood the basis of the rejection, the Examiner is respectfully requested to articulate the basis for any rejections to these claims. Absent any need to overcome any rejections to these claims, formal allowance of Claims 9-16 and 18 is requested.

II. Allowable Subject Matter

Claim 8 was indicated as allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and to include all the limitations of the base claim. In view of the amendments to Claim 1, the applicant's attorney has not amended Claim 8

to include the limitations of the base claim and requests the Examiner abate any action on this claim until he has an opportunity to consider the remarks set forth below.

Claims 18 and 20 were objected to as being dependent upon rejected base Claim 17. The applicant's attorney has amended Claim 17 and the Examiner is requested to abate any action in on these claims until he has had an opportunity to consider the amendment and remarks related to Claim 17.

III. Claim Rejections Under 35 U.S.C. § 112

Claims 1 stands rejected under 35 U.S.C. § 112, second paragraph, because an element in the claim was misspelled. The misspelled word has been corrected. In view of this action, the Examiner is requested to withdraw this rejection to claim 1.

IV. Claim Rejections

Claims 1-7 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Morgan et al (U.S. Pat. No. 4,396,221). This rejection is respectfully traversed.

Morgan discloses a hinged window assembly with a rolled cylindrical hinge plate with a pivot and a polymeric member in Figure 11. Morgan does not disclose a polymeric member surrounding a portion of the hinged joint and attached to the windowpane as claimed in amended Claim 1. Morgan has sealing strips 102, 104 and 106 having free ends, which engage the inside surface for sealing purposes (Col. 7, lines 35–42). The sealing strips are not attached to the windowpane and when the windowpane is pivoted, the sealing lips, which are in sealing contact with the inner surface, can separate from the inner surface of the windowpane when the windowpane is pivoted. Thus, Morgan cannot anticipate the applicant's invention as claimed. Furthermore, Morgan does not teach or suggest the invention as claimed by the

inventor even when combined with the other references cited by the Examiner.

The Examiner also rejected claim 17 under 35 U.S.C. § 102(b) as being anticipated by King (U.S. Pat. No. 3,711,983). This rejection is respectfully traversed.

King is directed to a vent window hinge that includes a window panel hinged to the vehicle to be swingably moved between an open and closed position about a hinge axis. The hinge has a tubular portion that is encapsulated by a polymeric member. King does not have a polymeric member attached to the inner surface and encapsulating a portion of the hinge as claimed in applicant's amended claim 17. Therefore, King cannot anticipate the invention as claimed. Furthermore, King does not teach or suggest the invention as claimed by the inventor even when combined with the other references cited by the Examiner.

Therefore, Claims 1 and 17 are patentably distinguishable over the prior art cited by the Examiner. Neither Morgan nor King, singularly or in combination, infer, teach or suggest the combination as taught by the applicant's claimed invention.

In view of the above, Applicant submits that independent Claims 1 and 17 are not anticipated or made obvious by the disclosure of King or Morgan. Applicant respectfully requests the Examiner to reconsider and withdraw the 35 U.S.C. §102(b) rejection of independent Claims 1, and 17 along with Claims 2-8 which depend from Claim 1 as well as Claims 18 and 20 which depend on Claim 17.

V. Conclusion

Applicant has carefully reviewed the rejections set forth in the Office Action of February 14, 2003 and believes that this Amendment and the above remarks are fully responsive thereto. In view of the above, Applicant submits that the specification and claims are in condition for allowance and such action is respectfully requested at the

Examiner's earliest convenience. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 299-7566.

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Respectfully submitted,

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